



Interests of Members of the Scottish Parliament Act 2006

2006 asp 12

Register of Interests of Members of the Scottish Parliament

1 The register

- (1) There shall be a Register of Interests of Members of the Scottish Parliament (in this Act referred to as “the register”).
- (2) The register shall be kept by the Clerk at the office of the Clerk.
- (3) In the register, there shall be an entry for each member which shall contain—
 - (a) the information required by or under this Act; and
 - (b) any other matter which the Parliament may determine should be included in each entry.
- (4) The register shall be kept in such form (which need not be in documentary form) as the Clerk considers appropriate but, if it is kept otherwise than in documentary form, it shall be in such form that, when printed or displayed, it shows what the register contains.

2 Registrable interests

- (1) In this Act, a “registrable interest” means a registrable financial interest.
- (2) The schedule sets out the circumstances in which a member has, or had, a registrable financial interest.
- (3) A financial interest is defined for the purposes of paragraph (a) of section 39(2) of the 1998 Act as a registrable financial interest.

3 Initial registration of registrable interests

- (1) Each member shall register—
 - (a) any registrable interest which that member had on the date on which that member was returned; and

Status: This is the original version (as it was originally enacted).

(b) any registrable interest which that member had before that date but which that member no longer had on that date, if that interest meets the prejudice test, or declare that the member had no such interest.

- (2) An interest meets the prejudice test if, after taking into account all the circumstances, that interest is reasonably considered to prejudice, or to give the appearance of prejudicing, the ability of the member to participate in a disinterested manner in any proceedings of the Parliament.
- (3) A member shall comply with subsection (1) by lodging with the Clerk, not later than the relevant date, a written statement or, as the case may be, a written declaration.
- (4) The relevant date for the purposes of subsection (3) is the date which is 30 days after the date on which the member has taken the oath of allegiance or made a solemn affirmation in accordance with section 84(1) of the 1998 Act.

4 Written statement

- (1) A written statement shall be in such form as the Parliament may determine.
- (2) A written statement shall contain such information about the interest or relating to it as the Parliament may determine.
- (3) The Parliament may make different determinations under subsections (1) and (2) for different kinds of interests.
- (4) The member may also include in the written statement such other information relating to the interest as the member wishes to disclose in the register.
- (5) Within 30 days after a member has lodged with the Clerk a written statement in accordance with section 3, 5, 6 or 7, the Clerk shall—
 - (a) register that statement in the entry relating to the member in the register together with the date on which the statement was lodged; and
 - (b) send a copy of that entry to the member.

5 Registration of registrable interests acquired after date of return

- (1) This section applies where a member acquires a registrable interest after the date on which the member was returned.
- (2) Within 30 days after the date on which the member acquired that interest, that member shall register that interest by lodging a written statement with the Clerk.

6 Late registrations

- (1) This section applies where a member becomes aware that a registrable interest which ought to have been registered by that member in accordance with section 3 or 5 has not been so registered.
- (2) Within 7 days of becoming so aware, the member shall register that interest by lodging a written statement with the Clerk.

7 Voluntary registration

A member may at any time register an interest which a member is not required to register by lodging a written statement with the Clerk.

8 Deletion of interests from the register

- (1) In this Act, a “ceased interest” means—
 - (a) an interest which is registered but which, if it had not been registered, would not now require to be registered; and
 - (b) an interest which is registered under section 7 but which the member no longer wishes to be registered.
- (2) Where a member has a ceased interest, that member may lodge with the Clerk a written notice which identifies the interest in question, states that it is a ceased interest and gives the date on which it became a ceased interest.
- (3) Within 30 days after a member has lodged a written notice in accordance with this section, the Clerk shall—
 - (a) amend the entry relating to that member in the register by recording in it that the interest is a ceased interest, the date mentioned in subsection (2), and the date on which the amendment was made in the register; and
 - (b) send a copy of the amended entry to that member.
- (4) Not less than 12 months after the date on which the notice was lodged, the Clerk shall—
 - (a) amend the entry relating to that member in the register by deleting that interest and any information relating to it; and
 - (b) send a copy of the amended entry to that member.

9 Other amendments to the register

- (1) A member may at any time amend the entry relating to that member by lodging with the Clerk a written notice of the proposed amendment.
- (2) Within 30 days after a member has lodged a written notice in accordance with this section, the Clerk shall—
 - (a) amend the entry relating to that member in the register by making the proposed amendment and recording the date on which the notice was lodged; and
 - (b) send a copy of the amended entry to that member.
- (3) The Clerk may at any time amend an entry relating to a member in the register to correct any clerical or typographical error and shall send a copy of the amended entry to that member.
- (4) Any amendment made in pursuance of this section may only amend the information about or relating to an interest which is registered but no amendment can be made which would delete, without replacing (with or without any variation) any of the information referred to in section 4(2).
- (5) When a member ceases to be a member, the Clerk shall amend the entry relating to that member in the register by deleting it from the register.

10 Old entries

- (1) When the Clerk amends an entry relating to a member in the register, the Clerk shall keep a copy of the old entries for a period of 5 years from the date of making the last amendment.
- (2) Section 1(4) shall apply to the keeping of the old entries as it applies to the keeping of the register.
- (3) In this section, “the old entries” mean the original entry and any subsequent amended entry in the state in which it was before it was amended.

11 Publication of the register etc.

- (1) The Clerk shall publish the register at such intervals and in such manner as the Parliament may determine.
- (2) The Clerk shall keep a copy of the register and of any old entries available for public inspection in such form and in such manner as the Clerk considers appropriate.
- (3) The copy of the register and of any old entries shall be available for public inspection at the office of the Clerk on the days and at the times when that office is open.